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EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2175

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/666,864

Applicant(s)

STERN ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

  
SAM RIMELL  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of the following informalities:

The Abstract includes more than 150 words. It needs to contain no more than 150 words.

Correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

3. Claims 7, 20, and 37 is objected to because of the following informalities:

In claim 7, line 2: claim sentence needs to end with a period.

In claim 20, line 3: inappropriate use of a period in the middle of a sentence. "device. for" should be --device, for--.

In claim 37, line 1: "advertizing" should be --advertising--.

Corrections are required.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Lipson et al (U.S. Patent No. 6,463,426.)

As to claim 1, Murphy et al teaches a device for recording an image including a geographical location, related descriptive text and/or environmental conditions in a medium (see Abstract), comprising:

a) means for forming an electronic image of an object of interest in digital form (see column 6, line 63 through column 7, line 6);

b) means for determining a geographical location of the image in digital form (see column 8, lines 7-10, and see lines 45-48);

c) means for storing the digital image and the geographical location thereof in a memory (see column 6, lines 14-21, and see lines 56-62);

d) means for accessing descriptive text of a plurality of objects of interest (see column 10, lines 22-32);

f) means for recording the image, related geographical location and descriptive text in the medium (see column 19, line 65 through column 20, line 10); and

g) means for communicating the recorded image with or without related geographical location and descriptive text to a network (see column 15, lines 2-7.)

Murphy et al does not teach:

e) means for selecting and associating the descriptive text with the image.

Lipson et al teaches an image search and retrieval system (see Abstract), in which she teaches means for selecting and associating the descriptive text with the image (see figure 12A, and see column 25, lines 21-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al to include means for selecting and associating the descriptive text with the image.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al by the teaching of Lipson et al, because having means for selecting and associating the descriptive text with the image, would enable the system to select valuable information describing the image data, location, position, type, date, and other information for the image and associate/store this information with the particular image in the database, and further enables the system to uniquely identify and retrieve/recall the image using the descriptive text associated and stored for the image.

As to claim 2, Murphy et al as modified teaches wherein the means for forming an electronic image further comprises:

h) data processing means (see Murphy et al, column 6, lines 31-36, where “data processing means” is read on “image processing device”) for receiving and converting

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optical information of the object of interest into compressed digital form for storage in the memory (see Murphy et al, column 11, lines 40-44.)

As to claim 3, Murphy et al as modified teaches wherein means for determining the geographical location of the image further comprises:

i) a GPS interface and processing logic unit (see Murphy et al, column 14, line 54 through column 15, line 20) linked to at least one space satellite (see Murphy et al, column 19, lines 23-32) for converting satellite signals into geographical coordinates in digital form (see Murphy et al, column 9, lines 9-14) for storage in the memory and indicative of the image geographical location (see Murphy et al, column 23, lines 23-28.)

As to claim 4, Murphy et al as modified teaches wherein the means for accessing descriptive texts of a plurality of objects of interest further comprises:

j) an interface to a database responsive to a user for selecting the stored descriptive text related to the object of interest recorded in the digital image (see Lipson et al, figure 2, where “database” is depicted as “storage device”, and see column 25, lines 21-45.)

As to claim 5, Murphy et al as modified teaches wherein the means for recording the image, geographical location and descriptive text further comprises:

k) means for accessing the memory and correlating the digital image with the geographic location (see Murphy et al, column 9, lines 45-61);

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1) means for correlating the descriptive text with the object of interest and recording in a medium (see Lipson et al, column 24, lines 52-64.)

As to claim 10, Murphy et al as modified teaches wherein the means of communicating includes wireless communication (see Murphy et al, column 19, lines 29-32.)

As to claim 11, Murphy et al as modified teaches the device further comprising:

q) a terminal coupled to the network and responsive to a user input to obtain and display and record the stored image of the object of interest with or without geographical location and descriptive text in the medium (see Murphy et al, column 6, lines 31-36, where “a terminal” is read on “a digital processing PC, workstation, video player, or projection screen” which are capable of obtaining, recording, and displaying image and related data.)

As to claim 12, Murphy et al as modified teaches the device further comprising:

r) means in the terminal for editing the image to include the related geographical location and descriptive text (see Murphy et al, column 4, lines 26-37, where “editing the image” is read on “changing some aspects of the image”.)

6. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Lipson et al (U.S. Patent No. 6,463,426), as applied to claims 1-5 and 10-12 Above, and further in view of Twining (U.S. Patent No. 6,222,449.)

As to claim 6, Murphy et al as modified does not teach the device further comprising:

m) environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium.

Twining teaches a portable recording device (see Abstract), in which he teaches environmental sensing means (see Abstract) for collecting (see column 1, line 61 through column 2, line 1, and see column 3, lines 40-42) and storing environmental conditions related to the image for recording in the medium (see column 2, lines 1-5, and see column 3, lines 42-44.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Twining, because environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium, would enable the system to provide and store additional information about the conditions (environmental) with which the images were captured and to further be able to use this information to sort, classify and/or retrieve the stored images from the database.

As to claim 7, Murphy et al as modified does not teach the device further comprising:

n) a server in the network for storing descriptive text of objects of interest.



Twining teaches a server in the network for storing descriptive text of objects of interest (see column 2, lines 31-38.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include a server in the network for storing descriptive text of objects of interest.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Twining, because a server in the network for storing descriptive text of objects of interest, would expand the capabilities of capturing/storing images and related information onto remote servers and/or central storage systems on a network.

As to claim 8, Murphy et al as modified teaches the device further comprising:

o) wireless means for connecting and providing to the network the geographic location and conditions of the object of interest stored in the memory for processing and recording in a medium by the network (see Murphy et al, column 19, lines 29-32.)

As to claim 9, Murphy et al as modified teaches the device further comprising

p) a terminal coupled to the network and responsive to a user to obtain, display and record the geographical location and descriptive text in the medium (see Murphy et al, column 6, lines 31-36, where “a terminal” is read on “a digital processing PC, workstation, video player, or projection screen” which are capable of obtaining, recording, and displaying image and related geographical location data.)

7. Claims 13-20 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Twining (U.S. Patent No. 6,222,449), and further in view of Lipson et al (U.S. Patent No. 6,463,426.)

As to claim 13, Murphy et al teaches in a system including an image-collecting device (see Abstract) coupled to a remote data processing system (see column 6, lines 31-36, where “data processing means” is read on “image processing device”) and a workstation via a network (see column 6, lines 31-36), a method for recording an image including a geographical location (see Abstract) in a medium, comprising the steps of:

- a) forming an electronic image of an object of interest in digital form in the image collecting device (see column 6, line 63 through column 7, line 6);
- b) determining a geographical location of the image in digital form (see column 8, lines 7-10, and see lines 45-48);
- c) capturing and storing the digital image and the geographical location thereof in a memory (see column 6, lines 14-21, and see lines 56-62);
- d) storing descriptive text of a plurality of objects of interest in a remote processing system or workstation (see column 10, lines 22-32);
- f) Recording the image and descriptive text in the medium (see column 19, line 65 through column 20, line 10.)

Murphy et al does not teach recording environmental conditions.

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Twining teaches a portable recording device (see Abstract), in which he teaches recording environmental conditions (see Abstract, column 2, lines 1-5, and see column 3, lines 42-44.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al to include recording environmental conditions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al by the teaching of Twining, because recording environmental conditions would enable the system to provide and store additional information about the conditions (environmental) with which the images were captured and to further be able to use this information to sort, classify and/or retrieve the stored images from the database.

Murphy et al as modified still does not teach:

e) selecting and associating the descriptive text with the image.

Lipson et al teaches an image search and retrieval system (see Abstract), in which she teaches selecting and associating the descriptive text with the image (see figure 12A, and see column 25, lines 21-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include selecting and associating the descriptive text with the image.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified by the teaching of Lipson et

al, because selecting and associating the descriptive text with the image, would enable the system to select valuable information describing the image data, location, position, type, date, and other information for the image and associate/store this information with the particular image in the database, and further enables the system to uniquely identify and retrieve/recall the image using the descriptive text associated and stored for the image.

As to claim 14, Murphy et al as modified teaches wherein the means for forming an electronic image further comprises the step of:

g) receiving and converting optical information of the object of interest into compressed digital form (see Murphy et al, column 11, lines 40-44.)

As to claims 15 and 25, Murphy et al as modified teaches the method further comprising the step of:

h) converting satellite signals into geographical coordinates in digital form (see Murphy et al, column 9, lines 9-14) indicative of the image geographical location (see Murphy et al, column 23, lines 23-28.)

As to claim 16, Murphy et al as modified teaches the method further comprising the step of:

i) selecting the stored descriptive text related to the object of interest recorded in the digital image (see Lipson et al, figure 2, where “database” is depicted as “storage device”, and see column 25, lines 21-45.)

As to claim 17, Murphy et al as modified teaches wherein the step of determining geographical location includes determining latitude and longitude (see Murphy et al, column 16, line 66 through column 17, line 10.)

As to claims 18 and 26, Murphy et al as modified teaches the method further comprising the step of:

j) accessing the remote processing system or workstation (see Murphy et al, column 6, lines 31-36, where “data processing means” is read on “image processing device”) and correlating and recording the digital image with the geographical location (see Murphy et al, column 9, lines 45-61), and descriptive text associated with the object of interest in a medium (see Lipson et al, column 24, lines 52-64.)

As to claims 19 and 27, Murphy et al as modified still does not teaches the method further comprising the step of:

k) collecting and storing environmental conditions related to the image for recording in the medium.

Twining teaches a portable recording device (see Abstract), in which he teaches collecting (see column 1, line 61 through column 2, line 1, and see column 3, lines 40-42) and storing environmental conditions related to the image for recording in the medium (see column 2, lines 1-5, and see column 3, lines 42-44.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include collecting and storing environmental conditions related to the image for recording in the medium.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Twining, because collecting and storing environmental conditions related to the image for recording in the medium, would enable the system to provide and store additional information about the conditions (environmental) with which the images were captured and to further be able to use this information to sort, classify and/or retrieve the stored images from the database.

As to claim 20, Murphy et al as modified teaches the method further comprising the step of:

1) connecting and providing to a network the image, geographical location, and environmental conditions of the object of interest stored in the image-collecting device, for processing and recording in a medium by the network (see Murphy et al, column 9, lines 45-61.)

As to claim 23, Murphy et al as modified teaches the method further comprising the step of:

p) editing the image to include the related geographical location and descriptive text (see Murphy et al, column 4, lines 26-37, where “editing the image” is read on “changing some aspects of the image”.)

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As to claim 24, Murphy et al teaches an article of manufacture:

A program medium, executable in a computer system (see column 12, lines 23-38. It is inherent that computers “execute programs”), for recording an image including a related descriptive text and/or environmental conditions in a medium (see claim 13 above.)

As to the remaining steps of claim 24, applicant is directed to the remarks and discussions made in claim 13 above.

8. Claims 21-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Twining (U.S. Patent No. 6,222,449), and further in view of Lipson et al (U.S. Patent No. 6,463,426) as applied to claims 13-20 and 23-27 above, and further in view of Matsuzawa et al (U.S. Patent No. 6,085,185.)

As to claim 21, Murphy et al as modified does not teach the method further comprising the step of:

m) storing thumbnail images related to objects of interest in the remote data processing system according to location coordinates.

Matsuzawa et al teaches retrieval method and system of multimedia database (see Abstract), in which he teaches storing thumbnail images related to objects of interest (see column 8, line 62 through column 9, line 13) in the remote data processing system according to location coordinates (see column 10, lines 22-31, where “location coordinates” is read on “location information”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include storing thumbnail images related to objects of interest in the remote data processing system according to location coordinates.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Matsuzawa et al, because storing thumbnail images related to objects of interest in the remote data processing system according to location coordinates, enables the system to capture images smaller in size and be able to display multiple images (thumbnails) to the user for selection.

As to claim 22, Murphy et al as modified teaches the method further comprising the step of:

n) transmitting location coordinates of an object of interest to the remote data processing system (see Murphy et al, column 2, lines 30-37.)

Murphy et al as modified does not teach:

o) receiving a thumbnail image related to the location coordinates from the remote data processing system; and recording the related thumbnail in the medium.

Matsuzawa et al teaches retrieval method and system of multimedia database (see Abstract), in which he teaches receiving a thumbnail image related to the location coordinates from the remote data processing system; and recording the related thumbnail in



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the medium (see column 8, line 62 through column 9, line 13, where “receiving thumbnail” is read on “thumbnail images obtained”.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include receiving a thumbnail image related to the location coordinates from the remote data processing system; and recording the related thumbnail in the medium.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Matsuzawa et al, because receiving a thumbnail image related to the location coordinates from the remote data processing system; and recording the related thumbnail in the medium, enables the system to capture images smaller in size and be able to display multiple images (thumbnails) to the user for selection.

As to claim 28, Murphy et al as modified teaches the program further comprising  
j) program instruction in the medium for accessing thumbnail images of objects of interest in the remote data processing system according to location coordinates (see Matsuzawa et al, column 10, lines 15-21.)

As to claim 29, Murphy et al as modified teaches the program further comprising:  
k) program instruction in the medium obtaining and inserting a thumbnail of an object of interest according to location coordinates and storing in a medium (see Matsuzawa et al, figures 12-13, and see column 8, lines 1-3.)

9. Claims 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Godfrey et al (U.S. Patent No. 6,463,463), and further in view of Lipson et al (U.S. Patent No. 6,463,426.)

As to claim 30, Murphy et al teaches a system for incorporating images in an electronic message (see Abstract), comprising:

- b) means for obtaining location coordinates (see column 17, lines 35-40);
- c) means for accessing images stored in a network according to location coordinates (see column 7, lines 49-57);

Murphy et al does not teach:

- a) a terminal for generating electronic messages;

Godfrey et al teaches a system for pushing electronic information (see Abstract), in which he teaches a terminal for generating electronic messages (see column 5, lines 45-57, where “electronic messages” is read on “meeting requests”, and see column 20, lines 40-42.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified to have modified Murphy et al to include a terminal for generating electronic messages.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al by the teaching of Godfrey et al, because including a terminal for generating electronic messages would enable to system to attach descriptive messages to the images being processed.

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Murphy et al as modified still does not teach:

d) means for providing obtained location coordinates to the network and obtaining images from the network according to the provided location coordinates; and

e) means for incorporating in an electronic message at least one of the images obtained from the network.

Lipson et al teaches an image search and retrieval system (see Abstract), in which she teaches means for providing obtained location coordinates to the network and obtaining images from the network according to the provided location coordinates (see column 7, lines 10-19); and means for incorporating in an electronic message at least one of the images obtained from the network (see figure 12A and see column 25, lines 21-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include: means for providing obtained location coordinates to the network and obtaining images from the network according to the provided location coordinates; and means for incorporating in an electronic message at least one of the images obtained from the network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teachings of Lipson et al, because means for providing obtained location coordinates to the network and obtaining images from the network according to the provided location coordinates; and means for incorporating in an electronic message at least one of the images obtained from the network, would enable the system to broaden its access to remote locations via a network and be able to associate text descriptions with images and transmit the information to remote computers.

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As to claim 31, Murphy et al as modified teaches wherein location coordinates provided to the network are the location coordinates of the terminal creating the message (see Murphy et al, column 10, lines 37-40.)

As to claim 32, Murphy et al as modified teaches wherein the location coordinates are established at the completion of the creation of the electronic message (see Murphy et al, column 11, line 66 through column 12, line 11.)

As to claim 33, Murphy et al as modified teaches wherein the location coordinates are established at the start of the creation of the electronic message (see Murphy et al, column 11, line 66 through column 12, line 11.)

As to claim 34, Murphy et al as modified teaches wherein the terminal is a laptop or personal digital assistant or other computer device (see Godfrey et al, column 7, line 65 through column 8, line 9, and see column 23, lines 6-9.)

As to claim 35, Murphy et al as modified teaches wherein the terminal is linked to the network by a wired or wireless connection (see Godfrey et al, figures 1 and 2.)

As to claim 36, the applicant is directed to the remarks and discussions made in claim 30 above.

10. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al (U.S. Patent No. 6,282,362) in view of Godfrey et al (U.S. Patent No. 6,463,463), and further in view of Lipson et al (U.S. Patent No. 6,463,426), as applied to claims 30-36 above, and still further in view of Tobin (U.S. Patent No. 6,141,666.)

As to claim 37, Murphy et al as modified does not teach wherein the obtained images are provided as part of advertising.

Tobin teaches a system for customizing marketing (see Abstract), in which he teaches wherein the obtained images are provided as part of advertising (see column 7, lines 55-67 and see figure 4.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified to include wherein the obtained images are provided as part of advertising.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Murphy et al as modified, by the teaching of Tobin, because providing the obtained images as part of advertising enables the customers to view images of the items they are looking for which results in increased convenience and speed for on-line shoppers.

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As to claim 38, Murphy et al as modified teaches the method further comprising the step of:

d) offering the images in a prioritized manner based on the amount of payment associated with each image (see Tobin, figure 3.)

As to claim 39, Murphy et al as modified teaches the method further comprising the step of:

Providing the sender of an electronic message an incentive to include an advertising image in the message (see Tobin, column 13, lines 24-31.)

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to storing and retrieving images using an image database and associating image data and environmental conditions to images in general:

U.S. Patent No. 6,085,195 to Hoyt et al.

U.S. Patent No. 6,292,595 to Petteruti et al.

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12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

December 23, 2002

  
SAM RIMELL  
PRIMARY EXAMINER